

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE M/V MSC FLAMINIA

1:12-cv-8892-GBD-HBP

ORDER

The Court previously having ordered Plaintiff CONTI 11. CONTAINER SCHIFFARTS-GMBH & Co. KG MSC “FLAMINIA” (“Conti”) to release its possessory lien on Cargo Claimants’ cargo located at Wilhelmshaven upon the posting of security for 100% of sound cargo value to cover potential salvage and general average obligations (Doc. No. 31), and to instruct the General Average Adjusters it had appointed in connection with the casualty involving the M/V MSC FLAMINIA of July 14, 2012, i.e., Messrs. Schlimme & Partner GmbH and Groninger Welke Janssen (collectively “General Average Adjusters”), to accept the particular form of security approved by the Court (Doc. No. 92), and now upon reading the submissions of the parties (Doc. Nos. 1582, 1620, 1621, 1627 and 1629, and the attachments thereto), and having heard the arguments of the parties,

IT IS HEREBY ORDERED:

That Plaintiff Conti direct the General Average Adjusters (a) to accept the Letters of Undertaking in the forms attached hereto as Exhibits 1, 2, and 3, in connection with the (1) Hill Rivkins Cargo Claimants, (2) Duane Morris Cargo Claimants, and (3) Suttons International (N.A.) Inc., and Suttons International Ltd. Tank Container Claimants, as reasonable substitute security for the potential general average obligations of the Cargoes and/or Tank Containers set forth in the respective Schedule A that is attached to each Letter of Undertaking; and (b) issue written notice of cancellation of the general average bonds, guarantees and other forms of general average

security that were previously posted for the Cargoes and/or Tank Containers that are set forth in the respective Schedule A that is attached to each Letter of Undertaking upon receipt of the executed Letter of Undertaking.

Dated: November __, 2018

U.S.M.J.